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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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CHRISTOPHER F. REGAN, ESQUIRE ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A. P.O. BOX 3791 Orlando, FL 32802-3791			EXAMINER CHOI, PETER H	
			ART UNIT 3623	PAPER NUMBER

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/961,102

Applicant(s)

DOMBROSKI, ROBERT M.

Examiner

Peter Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 9/21/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/9/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-33 are pending in the application.

Priority

2. Applicant is awarded the priority filing date of September 21, 2000 and the claims will be examined accordingly.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 4-7, 10, 12-15, 18, 20-23, 26, and 28-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al (U.S Patent #5,835,376).

As per claim 1, Smith et al. teaches a system, operable over the public switched telephone network (PSTN) and Internet, for use in providing services to a claimant by a

service vendor, as scheduled by a scheduler, and paid for by a payor, the system comprising:

(a) a server (**database server 10**) for processing and storing claimant data (**for storing records indicating requested vehicle services and associated information**) and connected to the Internet (**customers may enter data into database server 10 over a telephone connection 15; incoming requests may also be accepted by various other methods, for example, remote facilities may enter information over a radio, or satellite, or Internet; computing systems communicate with database server 10 over a wide-area of Internet network**)

[Column 4, lines 45-47, 56-58, Column 7, lines 3-4; Figure 1]; and

(b) at least one scheduler workstation for scheduling services for a claimant (**customers 14 may also possess remote data entry terminals at which the customers may enter data into database server 10 over a telephone connection 15; incoming requests may also be accepted by various other methods, for example, remote facilities may enter information over a radio, or satellite, or Internet**) [Column 4, lines 45-47, 56-58; Figure 1] and comprising:

(i) a scheduler computer connected to the server for entry of claimant data by the scheduler and display of claimant data to the scheduler (**requests for vehicle service may be entered by call takers at the location of the database server, or may be entered remotely via telephone, either at a data terminal at a customer site or via touch-tone telephone or at an ATM-like facility using a customer identification card**) [Column 3, lines 4-8]; and

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(ii) a telephone interface connected to the PSTN for communication between the scheduler and at least one of the payor, claimant and service vendor (**call takers 12 receive telephone requests from customers such as customer 13**)

[Column 4, lines 50-52];

(c) the server comprising:

(i) a dispatch unit (**dispatchers 16, dispatching process 26**) for prioritizing the claimant data for scheduled services (**dispatching process 26 determines whether to schedule service or to immediately dispatch the job; reviewing database of records {documenting needed transportation services} to locate records indicating a need for immediate transportation service; customer 14 may request immediate ambulance service on an as soon as possible basis, by entering "ASAP" as the appointment time**)

[Column 2, lines 41-45, Column 10, lines 20-23, Column 12, lines 50-52; Column 13, lines 9-28; Figure 1];

(ii) queuing the claimant data to the scheduler computer based upon priority (**if the dispatch record is marked "ASAP" and the job should be dispatched immediately**) [Column 13, lines 12-14]; and

(iii) generating a service vendor list to the scheduler computer based upon a geographical area related to the claimant (**step 66 requesting from the AVL system 18 a list of the N closest vehicles**). [Column 13, lines 31-33; Figure 4A].

As per claim 2, Smith et al. teaches a system according to claim 1 wherein the service vendor list includes any previous service vendors for the claimant (**Vehicle file record 36 indicates the vehicle's ID number and the transport ID number for the transport task to which the vehicle has been assigned. This file can then be used to identify, for a given vehicle, all of the transport tasks that have been completed by or are assigned to the vehicle; Invoice record is generated by transferring various fields from the dispatch record into the new invoice record, including the transport ID number and date of service, the vehicle identification number and the driver and attendants' employee numbers**) [Column 11, lines 20-25, Column 21, lines 4-9].

As per claim 4, Smith et al. teaches a system according to claim 1 wherein the services comprise at least one of transportation (**vehicle dispatching**), translation, delivery of durable medical equipment (DME), and delivery of pharmaceuticals [title, abstract].

Claims 12, 20, and 28 recite similar limitations; therefore, the same rejection applies.

As per claim 5, Smith et al. teaches a system according to claim 1 wherein the services comprise claimant transportation (**scheduling transportation services for requesters**).

Claims 13, 21, and 29 recite similar limitations; therefore, the same rejection applies.

As per claim 6, Smith et al. teaches a system according to claim 5 wherein the service vendors comprise at least one of independent transportation providers, taxi companies, and ambulatory companies **(methods and apparatus described could be used for any kind of vehicles, including taxis, ambulances, shipping traffic by land {semitrailers}, sea {freighters}, or air {cargo planes}, ground vehicles and airplanes at airport facilities and on the airport tarmac)** [Column 25, lines 37-51.]

Claims 14, 22, and 30 recite similar limitations; therefore, the same rejection applies.

As per claim 7, Smith et al. teaches a system according to claim 1 wherein the server comprises a report generation unit for generating reports **(invoices)** based upon claimant data for the payor **(invoice file 34 containing information for generating an invoice for the activities performed by vehicles 20 upon customer request; billing information associated with requested transportation services)** [Column 3, lines 16-17, Column 7, lines 37-46, Column 21, lines 2-30].

Claims 15, 23, and 31 recite similar limitations; therefore, the same rejection applies.

As per claim 10, Smith et al. teaches a system, operable over the public switched telephone network (PSTN) and Internet, for use in providing services to a claimant by a service vendor, as scheduled by a scheduler, and paid for by a payor, the system comprising:

- (a) a server for processing and storing claimant data and connected to the Internet [see analysis of claim 1(a) above]; and

- (b) at least one scheduler workstation for scheduling services for a claimant [see analysis of claim 1(b) above] and comprising:

- (i) a scheduler computer connected to the server for entry of claimant data by the scheduler and display of claimant data to the scheduler [see analysis of claim 1(b)(i) above], and

- (ii) a telephone interface connected to the PSTN for communication between the scheduler and at least one of the payor, claimant and service vendor [see analysis of claim 1(b)(ii) above];

- (c) the server comprising:

- (i) a dispatch unit for queuing the claimant data to the scheduler computer [see analysis of claim 1(c)(i) and claim 1(c)(ii) above];

- (ii) generating a service vendor list to the scheduler computer based upon a geographical area related to the claimant [see analysis of claim 1(c)(iii)

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above], the service vendor list including any previous service vendors for the claimant [see analysis of claim 2 above].

As per claim 18, Smith et al. teaches a system, operable over the public switched telephone network (PSTN) and Internet, for use in providing services to a claimant by a service vendor, as scheduled by a scheduler, and paid for by a payor, the system comprising:

(a) a server for processing and storing claimant data and connected to the Internet [see analysis of claim 1(a) above]; and

(b) at least one scheduler workstation for scheduling services for a claimant [see analysis of claim 1(b) above] and comprising:

(i) a scheduler computer connected to the server for entry of claimant data by the scheduler and display of claimant data to the scheduler [see analysis of claim 1(b)(i) above], and

(ii) a telephone interface connected to the PSTN for communication between the scheduler and at least one of the payor, claimant and service vendor [see analysis of claim 1(b)(ii) above];

(c) the server comprising:

(i) a dispatch unit for prioritizing the claimant data for scheduled services [see analysis of claim 1(c)(i) above];

(ii) queuing the claimant data to the scheduler computer based upon priority [see analysis of claim 1(c)(ii) above]; and

(iii) generating a service vendor list to the scheduler computer including any previous service vendors for the claimant [see analysis of claim 1(c)(iii) and claim 2 above].

As per claim 26, Smith et al. teaches a method, operable over the public switched telephone network (PSTN) and Internet, for use in providing services to a claimant by a service vendor, as scheduled by a scheduler, and paid for by a payor, the method comprising:

(a) processing and storing claimant data on a server connected to the Internet [see analysis of claim 1(a) above];

(b) scheduling services for a claimant via at least one scheduler workstation [see analysis of claim 1(b) above] which comprises:

(i) a scheduler computer connected to the server for entry of claimant data by the scheduler and display of claimant data to the scheduler [see analysis of claim 1(b)(i) above]; and

(ii) a telephone interface connected to the PSTN for communication between the scheduler and at least one of the payor, claimant and service vendor [see analysis of claim 1(b)(ii) above];

(c) prioritizing the claimant data for scheduled services [see analysis of claim 1(c)(i) above];

(i) queuing the claimant data to the scheduler computer based upon priority [see analysis of claim 1(c)(ii) above]; and

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(ii) generating a service vendor list to the scheduler computer based upon at least one of a geographical area related to the claimant and any previous service vendors for the claimant [see analysis of claim 1(c)(iii) and claim 2 above].

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 8, 9, 11, 16, 17, 19, 24, 25, 27, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (U.S Patent #5,835,376).

As per claim 3, Smith et al. does not explicitly teach a system according to claim 1 wherein the service vendor list includes a quality rating of the listed service vendors.

However, it is old and well known in the service arts to provide a ranking or rating of service vendors affiliated with the service. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Smith et al. to include the step of including a quality rating/ranking of service vendors, because the resulting invention would enable customers to review and select a particular service

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vendor, allowing the service provider to charge premium rates (to customers requesting highly rated service vendors, to highly rated service vendors in exchange for providing customers, and to lower rated service vendors for inclusion on the list of affiliated service providers), thereby increasing revenue and profitability.

Claims 11, 19, and 27 recite similar limitations; therefore, the same rejection applies.

As per claim 8, Smith et al. teaches a system according to claim 7 wherein the reports **(invoice record)** are downloadable **(generated and transmitted, leading to electronic payment)** by the payor on a payor computer **(another alternative is that the invoice records might be transmitted to customer sites)** via the Internet **{transmission of an electronic document employs the use of a computer network {such as the Internet} and Electronic Data Interchange methods that are old and well known in the art}** [Column 21, lines 21-30].

Official Notice is taken that providing customers with an itemized invoice of billable charges is an old and well-known practice in the business arts. It is old and well known in the art that spreadsheets are used to monitor incurred expenses; thus, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Smith et al. to include the step of providing downloadable reports into a spreadsheet document, because the resulting invention would provide

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customers with the raw data needed to maintain their expenditure records, and to perform their own Ad Hoc queries and calculations relating to the expenses incurred.

Smith et al. does not expressly teach the spreadsheet document as recited in claim 8; however, this differences is only found in the non-functional descriptive material and is not functionally involved in the steps recited nor does it alter the recited structural elements. The recited method steps would be performed the same regardless of the spreadsheet document. Further, the structural elements remain the same regardless of the spreadsheet document. Thus, the spreadsheet document will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106.

Claims 16, 24, and 32 recite similar limitations; therefore, the same rejection applies.

As per claim 9, Smith et al. does not explicitly teach a system according to claim 1 wherein the server comprises a payor secure online ordering unit for permitting entry and review of claimant data on the server via the Internet and a payor computer.

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Smith et al. does teach the step of generating and transmitting an electronic invoice for services {via the Internet}, leading to electronic payment, inherently allowing the payor to use a computer to view the billable charges.

Official Notice is taken that it is old and well known in the computing arts to provide a security measures for exchanges of sensitive information online. Access to information can be restricted using a plurality of means that are old and well known in the art, including password authentication, limiting access to users on the Intranet or users having proper security clearance, Internet security (HTTPS, SSL) protocols, etc. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Smith et al. to include a secure online ordering unit because the resulting combination would prevent unauthorized users from tampering with sensitive financial information, confidential information (account numbers, etc.).

Claims 17, 25, and 33 recite similar limitations; therefore, the same rejection applies.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ur (U.S Patent #6,615,046) teaches a method for automatically dispatching mobile services. A connection is established over a cellular network between a client and one of a plurality of mobile providers of a service. A database is maintained comprising a plurality of mobile providers of the service. A communication from the client is received requesting the service, and a suitable provider is automatically selected, responsive to the communication and to the parameters in the database, including proximity to the customer.

Gaspard II (U.S Patent #6,240,362) teaches a method of scheduling a vehicle in real-time to transport freight and passengers. Transportation requests are received over a communications network from a freight terminal and/or a passenger terminal, which are interconnected through an Internet Service Provider over a network.

Patel (U.S Patent #5,953,706) teaches a transportation network system which integrates communications and data transmission requirements for ground transportation service providers into a single, centrally controlled network. Communications networks (such as the Internet and the World Wide Web) are used as the data distribution backbone between the various service providers.

Jones et al. (U.S Patent #6,117,073) teaches an integrated emergency medical transportation database system. Billing information can be submitted electronically through a wireless LAN, cellular network, or dedicated or dialup phone line in an

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appropriate format which reduces the accounts receivables times for each patient encounter. A statistical database is used to store and extract statistical information from data entered during patient encounters.

Smith et al. (U.S Patent #6,430,496) teaches a system for controlling vehicles to provide transportation services. A database stores records each documenting needed transportation services.

Sisley et al. (U.S Patent #5,467,268) teaches a system for assigning and scheduling resource requests to resource providers that use a modified "best-first" search technique that combines optimization, artificial intelligence, and constraint-processing to arrive at near-optimal assignment and scheduling solutions.

Vance et al. (U.S Patent #6,442,526) teaches a system for corporate travel planning and management. The system comprises a Travel Planning module, and Travel Expense Reporting module. Travel Expense Reporting module receives trip and card data and expense policy data from the corporate database. The Travel Expense Reporting module also sends expense detail data and summary expense totals to the corporate database. Travelers can request a list of preferred rental car vendors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PC

October 27, 2005

Peter Choi
Examiner
Art Unit 3623

Susanna Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER
AU 3623